

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

SHANTA LYNETTE BROWN, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action: 6:23cv00054
)	
THE CITY OF LYNCHBURG, <i>et al.</i> ,)	
)	
Defendants.)	

AMENDED MOTION FOR RELEASE AND USE OF EXPUNGED RECORDS

Defendants City of Lynchburg, Officer Seth Reed, Deputy Zachary Miller, and Officer Robbin Miller, by counsel, hereby file their Amended Motion for Release and Use of Expunged Records, pursuant to Virginia Code § 19.2-392.3:1. In support of their motion, Defendants state as follows:

1. Plaintiffs brought this action seeking damages pursuant to 42 U.S.C. § 1983 and under Virginia law against the Defendant law enforcement officers relating to their arrests arising out of events which took place in Lynchburg on April 28, 2020, as more fully set forth in the Complaint filed in this case. (ECF No. 1).

2. The Plaintiffs petitioned for and obtained orders of expungement of the records of the criminal cases arising out of the April 28, 2020 events. The expungement order applies to the records held by the state courts and the records held by the Lynchburg Police Department. In response to the order, the Police Department placed its records in a section of files for expunged records to which no one in the office has access.

3. In connection with the instant action, Plaintiffs requested records from the Lynchburg Police Department, but the expungement order prevents the Police Department

from accessing and producing records related to the April 28, 2020 incident.

4. In addition, Defendants have been unable to review files related to the incident and are unable to defend themselves in this lawsuit without access to those records.

5. Virginia Code § 19.2-392.3:1 provides that, in an action for damages against law enforcement officers arising out of or relating to charges where police and court records for such charges have been expunged, the Court where the action is pending may order such records to be released upon motion by any party in the action.

6. Counsel for Plaintiffs does not object to this motion.

WHEREFORE, the Defendants request that this Court grant their motion and Order that any police and court records that have been or will be expunged shall be released to the Defendants and may be used by the parties for the purposes of this action, including under the protective order entered in this case. (ECF No. 23). A proposed Order is attached hereto as Exhibit A.

Respectfully submitted,

CITY OF LYNCHBURG, SETH REED,
ZACHARY MILLER, and ROBBIN MILLER

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of April, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to:

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